

REMARKS

This paper is responsive to the Final Office Action dated March 31, 2006 ("Final Office Action").

Claims 1-228 were previously pending in the application.

Claims 1-5, 9, 20-24, 28, 39-43, 47, 58-62, 66, 77-79, 115-117, 153-155 and 191-193 stand rejected.

Claims 6-8, 10-19, 25-27, 29-38, 44-46, 48-57, 63-65, 67-76, 80-114, 118-152, 156-190 and 194-228 are under objection.

Claims 1, 20, 39, 58, 77, 99, 115, 137, 153, 175, 191, and 213 have been amended.

New claims 229-232 have been added. No claims have been canceled.

Accordingly, claims 1-232 are now pending.

Independent claims 1, 20, 39, 58, 77, 115, 153, and 191 have been amended. Claims 99, 137, 175, and 213 have been amended to correct obvious typographical errors. New dependent claims 229-232 have been added. These amendments also add no new matter, and support for the amendments may be found in the specification as originally filed, for example in original claims 7 and 8, and on page 17.

Claims 1-5, 9, 20-24, 28, 39-43, 47, 58-62, 66, 77-79, 115-117, 153-155 and 191-193 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,993,015 issued to Fite, Jr. ("*Fite*"). While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicant has elected to traverse the rejections as follows. The following arguments are made without prejudice to Applicant's right to establish, for example in

a continuing application, that the cited references do not qualify as prior art with respect to an invention embodiment currently or subsequently claimed. In view of the following remarks, Applicant respectfully submits that the pending claims are allowable.

Formal Matters

Applicant expresses continued gratitude for the Examiner's indication of allowability of pending claims 6-8, 10-19, 25-27, 29-38, 44-46, 48-57, 63-65, 67-76, 80-114, 118-152, 156-190 and 194-228. At this time, Applicant wishes to maintain these claims in dependent form, in view of the above amendments and the following discussion. While Applicant has not elected to do so at this time, Applicant reserves the right to rewrite the indicated claims in independent format at a later date.

Rejections under 35 U.S.C § 102(b)

Claims 1-5, 9, 20-24, 28, 39-43, 47, 58-62, 66, 77-79, 115-117, 153-155 and 191-193 stand rejected under § 102(b) as being anticipated by *Fite*. Applicant respectfully submits that the claims are allowable under § 102(b) because the cited art fails to disclose each limitation of the pending claims.

Applicant is grateful for the Examiner's helpful expanded comments in the Final Office Action regarding the continued rejections. The Final Office Action presents the position that in *Fite*, "each node 101 is a zone" and that the "zone identifier in *Fite*, Jr. is simply a node identifier." Final Office Action at 3. The Final Office Action thus appears to take the position that *Fite* discloses the use of zones by disclosing the use of nodes in a communications network; that any node is in itself automatically a "zone" of the network.

Applicant respectfully disagrees with this understanding of the claim term “zone.”

Applicant respectfully submits that the plain meaning of a “zone” in the context of this application requires that each zone be a recognized logical group within a network. The relevant definition of a “zone” is an “area or a region distinguished from adjacent parts by a distinctive feature or characteristic.” American Heritage Dictionary of the English Language, Fourth Edition. In the context of a communications network, a zone may properly be understood as a logical grouping of nodes within a network, with each member of a zone being characterized by a common feature such as a common portion of a network address, or the sharing of a common copy of topology information. This understanding is consistent with the usage of “zone” in the Specification, for example on p. 5 of the Specification.

Accordingly, Applicant respectfully disagrees with the proposal that any single node in a network, bereft of any recognition as being in region distinguished from adjacent portion of a network by a distinctive feature or characteristic can be considered a “zone.” As set forth in Applicant’s previous Response (dated February 3, 2006) Applicant respectfully submits that the cited art fails to disclose a first zone that comprises a first node and a second zone that comprises a second node.

Nonetheless, to advance prosecution of the case, Applicant has amended independent claims 1, 20, 39, 58, 77, 115, 153, and 191 to clarify the context of the term “zone.” For example, as amended, claim 1 reads as follows.

1. A method of communicating information regarding a failure comprising:
generating failure information, wherein
said failure affects a virtual path,

said virtual path is between a first node and a second node,
a first zone comprises said first node,
a second zone comprises said second node, and
said failure information comprises *an indication whether intra-zone resources
should be used to restore said virtual path.*

(Emphasis added.)

The amendment to claim 1 introduces a limitation analogous to a limitation of claim 8, which requires an indication of “using inter-zone resources.” Similarly, claim 1 as amended now includes an indication of “whether intra-zone resources should be used” to perform a restoration.

The Final Office Action indicated that dependent claim 8 is allowable. Applicant believes that for the same reasoning, independent claim 1 now also allowable.

In particular, Applicant respectfully submits that *Fite* fails to disclose failure information that includes **an indication whether intra-zone resources should be used** to restore a virtual path. *Fite* does not disclose the use of intra-zone resources for path restoration because, for example, *Fite* does not teach or describe the use of intra-zone resources.


At least for these reasons, independent claim 1 and all claims dependent therefrom are therefore allowable under § 102(b). At least for similar reasons, independent claims 20, 39, 58, 77, 115, 153, and 191 and all claims dependent therefrom are also allowable under § 102(b). Accordingly, Applicant respectfully requests that the rejections under § 102(b) be withdrawn.

New claim 229 depends on claim 1 and is therefore allowable at least for the same reasons, being dependent on an allowable base claim. Additionally, claim 229 includes **an indication whether inter-zone resources should be used** to restore a virtual path. Claim 229 therefore refers to indications of **inter-zone resources** as well as indications of **intra-zone resources**. Thus, claim 229 additionally clarifies that the resources within a zone may be employed for restoration separately from the resources external to a zone. Even if *Fite* teaches the use of either one of these types of resources (and Applicant does not believe it does), *Fite* does not teach the use of the other of these resources. The limitations of claim 229 are therefore also absent from the cited art. Accordingly, new claim 229 is allowable over the cited art. At least for similar reasons, new claims 230-232 are also allowable.

CONCLUSION

Applicant submits that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AE, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on May 31, 2006.

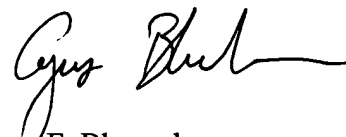


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Date of Signature

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